

EXECUTIVE SUMMARY
Final Report
Montana Child and Family Services Review

The Child and Family Services Review (CFSR) assesses State performance during a specified time period with respect to seven child welfare outcomes in the areas of safety, permanency, and well-being and with respect to seven systemic factors. The Montana CFSR was conducted the week of August 19, 2002. The Final Report is based on information from the following sources:

- The Statewide Assessment prepared by the State child welfare agency – the Child and Family Services Division (CFSD) of the Montana Department of Public Health and Human Services System;
- The State Data Profile prepared by the Children’s Bureau of the U.S. Department of Health and Human Services;
- Reviews of 49 cases from three counties in the State; and
- Interviews or focus groups (conducted at all three counties and the State capital) with a wide range of stakeholders including children, parents, foster parents, various levels of State and local CFSD personnel, collaborating agency personnel, school personnel, service providers, court personnel, legislators, and attorneys.

A key CFSR finding was that the State is effective in its efforts to address children’s educational needs (Well-Being Outcome 2). In 92 percent of the cases, reviewers determined that the educational needs of children were effectively and appropriately addressed. The CFSR case reviews also identified several other strengths for the State:

- Providing services to families to protect children in home and prevent removal (item 3),
- Placing children in close proximity to their birth parents (item 11),
- Ensuring that siblings in foster care are placed together (item 12),
- Preserving the primary connections of children in foster care (item 14).

In addition, the State data for 2000 met the national standards with respect to the incidence of maltreatment of children in foster care and length of time to achieve reunification and adoption.

Despite these strengths, Montana did not achieve substantial conformity with six of the seven safety, permanency, or well-being outcomes. A primary concern pertained to the State’s effectiveness in ensuring that children in foster care have permanency and stability in their living situations (Permanency Outcome 1). This outcome was achieved in 41.4 percent of cases. The State received a rating of Area Needing Improvement on all six of the items included in this outcome. In addition, the State data for 2000 did not meet the national standards with respect to foster care re-entries or stability of foster care placements. Additionally, the state did not achieve substantial conformity with the systemic factor for its case review system for children in foster care. A key set of issues involving the Courts related to the timely setting of permanency hearings and the quality of case reviews and permanency hearings is believed to influence the level of achieving substantial conformity for Permanency Outcome 1. Stakeholders interviewed as part of developing the

Statewide Assessment expressed the opinion that compliance with permanency hearings is inconsistent across the State and that not all judges and county attorneys have been “sold” on the purpose of the hearing.

The CFSR findings also indicated that CFSD is not consistent in its efforts to identify and address families' service needs (item 17), involve family members in case planning (item 18), or establish contact with children and parents with sufficient frequency (items 19 and 20) (well-being outcome 1). This outcome was achieved in 51 percent of cases. A key finding was that the majority of cases assigned a rating of Area Needing Improvement for caseworker visitation with children and parents and for family member involvement in case planning were foster care cases.

Another area of concern pertained to the State’s effectiveness in meeting the physical and mental health needs of children (well-being outcome 3). This outcome was achieved in 67.4 percent of cases. Although in many cases, extensive efforts were made to meet children’s physical and mental health needs, in other cases, there was a notable lack of effort, particularly with regard to mental health needs.

Additionally, case-related issues were revealed regarding safety for children served by the Montana Department of Public Health and Human Services. A key concern was the inconsistency in establishing face-to-face contact with children in a timely manner (item 1). Also, risk factors in some cases were not adequately identified and addressed with appropriate interventions in order to reduce risk of harm (item 4). Safety Outcome-S1 (children are, first and foremost, protected from abuse and neglect) was achieved in 77.1 percent of cases and Safety Outcome-S2 (children are safely maintained in their homes whenever possible and appropriate) was achieved in 76.1 of the cases. The performance on these two safety outcome areas, as well as, other safety-related factors noted in the systemic factors raise concerns about certain state policies and practices in relation to keeping children safe in their own homes and in substitute care arrangements, such as the requirement regarding workers making face-to-face contact with children in foster care only once a quarter. Also, in 24 percent of the cases reviewed for item 19, which focuses on worker visits with children, reviewers determined that the frequency and quality of caseworker visits with children was not sufficient to monitor children’s safety or to promote attainment of case goals.

With regard to the seven systemic factors, the CFSR determined that the State was in substantial conformity with factors related to the statewide information system; training; service array; agency responsiveness to the community; and foster and adoptive parent licensing, recruitment, and retention. However, the State was not in substantial conformity with factors pertaining to the case review system and quality assurance. The key concerns pertaining to the case review system were that CFSD was not consistent in its efforts to involve parents and children in case planning and there was a lack of consistency in administrative reviews and permanency hearings. The key concerns pertaining to the quality assurance system were that the State’s requirement regarding workers making face-to-face contact with children in foster care poses a safety issue for children and the fact that a comprehensive, statewide, quality assurance system does not exist according to the Statewide Assessment and stakeholder interviews.

The following is a summary of the CFSR findings regarding specific outcomes and systemic factors.

KEY FINDINGS RELATED TO OUTCOMES

I. SAFETY

Outcome S1: Children are, first and foremost, protected from abuse and neglect.

Status of Safety Outcome S1 – Not in Substantial Conformity

Montana did not achieve substantial conformity for Safety Outcome 1. This determination was based on the following findings:

- 77.1 percent of the cases reviewed were rated as having substantially achieved this outcome, which does not meet the 90 percent required for a rating of substantial conformity.
- The State did not meet the national standard for the percentage of children experiencing more than one substantiated or indicated child maltreatment report within a 6-month period.

The case review process did find that for almost all cases, there were multiple reports of child maltreatment both during the period under review and/or over the life of the case, although most of these reports were found to be "unsubstantiated". The large number of unsubstantiated reports found in the case reviews may be related to the CFSR finding that CFSD is inconsistent in initiating investigations of maltreatment reports in a timely manner and in establishing face-to-face contact with children who are the subjects of the reports in a timely manner.

Item 1. Timeliness of initiating investigations of reports of child maltreatment

Item 1 was assigned an overall rating of Area Needing Improvement. Reviewers found that the agency had initiated investigations of reports of child maltreatment in a timely manner in 63 percent of applicable cases. However, in 37 percent of applicable cases, responses to reports of child maltreatment did not occur in a timely manner. The cases included maltreatment reports that were "high risk" and reports that were not "high risk". A key concern was the inconsistency in establishing face-to-face contact with children in a timely manner.

Item 2. Repeat maltreatment

Item 2 was assigned an overall rating of Area Needing Improvement. Although in 98 percent of the cases, there was no recurrence of maltreatment, the State Data Profile indicates that the incidence of repeat maltreatment in fiscal year 2000 was 13.1 percent, which does not meet the national standard of 6.1 percent. Because these indicators are assessed through different measures, it is necessary for both measures to meet the established standards or criteria for a rating of Strength to be assigned to this item.

Outcome S2: Children are safely maintained in their homes whenever possible and appropriate.

Status of Safety Outcome S2 – Not in Substantial Conformity

Montana did not achieve substantial conformity with Safety Outcome 2. This determination was based on the finding that this outcome was substantially achieved in 76.1 percent of the cases reviewed, which is less than the 90 percent required for a rating of substantial conformity.

A general finding of the CFSR was that CFSD makes diligent efforts to maintain children safely in their homes whenever possible and appropriate. Reviewers also found that there was a range of services provided to families after reunification to support the reintegration of the family and prevent another removal from the home. However, reviewers determined that CFSD was less consistent in its efforts to ensure that the risk of harm to children was effectively reduced. For the in-home services cases, reviewers noted several cases in which CFSD had not targeted critical areas of need for the families or responded appropriately when parents refused to follow through with services. For the foster care cases, reviewers identified two cases in which the agency was not monitoring children's visitation with parents who were known substance abusers, although children were at risk during visitation.

Item 3. Services to family to protect child(ren) in home and prevent removal

Item 3 was assigned an overall rating of Strength because in 88 percent of the cases, reviewers determined that CFSD made diligent efforts to provide services to prevent children's placement in foster care. For most cases, the contracted providers were found to have frequent contact with families and to provide or link families to a wide range of services.

Item 4. Risk of harm to child

Item 4 was assigned an overall rating of Area Needing Improvement. In 80 percent of the applicable cases, reviewers determined that the agency had made sufficient efforts to reduce the risk of harm to children. However, in 20 percent of the applicable cases, reviewers determined that CFSD had not made sufficient efforts to reduce risk of harm to children. The key concerns identified in the case reviews pertained to situations where: parents did not follow through with services and the agency did not respond in a manner to ensure that the children would not remain at risk; services necessary to target the key problems contributing to risk of harm were not addressed; and risk of harm to children from parents during visitation was not being addressed by the agency.

II. PERMANENCY

Outcome P1: Children have permanency and stability in their living situations.

Status of Permanency Outcome 1 – Not in Substantial Conformity

Montana did not achieve substantial conformity with Permanency Outcome 1. This determination was based on the following findings:

- 41.4 percent of the cases were rated as having substantially achieved Permanency Outcome 1, which is less than the 90 percent required for an overall rating of substantial conformity;
- The State Data Profile indicated that for fiscal year 2000, the State's percent of re-entries into foster care within 12 months of discharge from a prior foster care episode (20.2%) did not meet the national standard of 8.6 percent; and
- The State Data Profile indicated that for fiscal year 2000, the State's percent of children who experienced two or fewer placements during their first 12 months in foster care (80.8%) did not meet the national standard of 86.7 percent.

The State Data Profile indicates that Montana had mixed performances during FY2000 in relation to efforts to provide stability and permanency for children in foster care. The state did not meet the national standard for foster care re-entries or placement stability. However, 87 percent of the children reunified in fiscal year 2000 were reunified within 12 months of entry into foster care, which meets the national standard of 76.2 percent. In addition, 42.2 percent of the children who exited foster care to a finalized adoption achieved the adoption within 24 months of entry into foster care, which also met the national standard of 32.0 percent.

The case review process supports the data provided in the State Data Profile with regard to foster care re-entries and placement stability. However, in contrast to the data provided in the State Data Profile on reunifications and adoptions, the case review process found that CFSD was not consistently effective in achieving permanency for children in a timely manner. Establishing appropriate permanency goals and achieving adoptions in a timely manner were the most critical problems identified, with reviewers rating "adoption" as an Area Needing Improvement in 64 percent of the applicable cases.

Item 5. Foster care re-entries

Item 5 was assigned an overall rating of Area Needing Improvement based on the following:

- The State's incidence of foster care re-entry (20.2 percent) reported in the State Data Profile does not meet the national standard of 8.6 percent.
- In 50 percent of the applicable cases, children re-entered foster care within 12 months of discharge from a prior foster care episode.

According to the Statewide Assessment and stakeholder interviews, CFSD believes that the rate of foster care re-entry is a data entry issue and not a practice issue. Since CAPS is a payment system, many workers believe that they have to close foster care when a child

leaves a foster family to enter respite care for the weekend, to go home for a trial visit, to enter a hospital, or because the child has run away. The worker then re-opens the case as a foster care case when the child returns to the foster family.

Item 6. Stability of foster care placement

Item 6 was rated as an Area Needing Improvement based on the following findings:

- In 21 percent of the applicable cases, reviewers determined that placement changes were not in the best interests of the child.
- The State Data Profile indicates that 80.8 percent of children in foster care in the State for 12 months or less during FY 2000 had no more than two placement settings, which does not meet the national standard of 86.7 percent.

Stakeholders commenting on this issue noted that placement stability is negatively impacted by the lack of placement options for many children in foster care, particularly children requiring therapeutic settings. Stakeholders also described the lack of placement options as responsible for the overuse of shelters and for children remaining in shelter care for long periods of time.

Item 7. Permanency goal for child

Item 7 was assigned an overall rating of Area Needing Improvement. In 72 percent of foster care cases, reviewers determined that CFSD had established appropriate permanency goals for children in a timely manner. However, concerns were identified regarding this issue in 28 percent of foster care cases. Key concerns pertained to (1) maintaining the goal of reunification for many years even when it does not appear to be a likely outcome, and (2) establishing long-term foster care as a goal without fully exploring other possible options.

Item 8. Reunification, Guardianship or Permanent Placement with Relatives

This item was assigned an overall rating of Area Needing Improvement. Although the State Data Profile indicates that for fiscal year 2000, the State met the national standard for reunifications within 12 months of entry into foster care, the case review process revealed that for 25 percent of the applicable cases, CFSD had not made diligent efforts to achieve the goal of reunification in a timely manner. Because the two indicators are assessed through different measures, it is necessary to meet the standard or criteria for both in order to receive a rating of Strength.

Item 9. Adoption

Item 9 was assigned an overall rating of Area Needing Improvement. Although the State Data Profile indicates that the percent of children exiting foster care to a finalized adoption within 24 months of entry into foster care (42.2%) meets the national standard of 32 percent, reviewers found that CFSD had not made diligent efforts to achieve adoptions in a timely manner in 64 percent of the applicable cases. Because the two indicators are assessed through different measures, it is necessary for both to meet criteria or standards in order for the item to be rated as a Strength. It should be noted that cases of finalized adoptions were not reviewed based on the child welfare agency's decision that a State law sealing adoption case records precluded these cases from being reviewed during the CFSR.

The Statewide Assessment notes that the State exceeded the national standard for adoptions within 24 months in 1998, 1999, and 2000. However, the Statewide Assessment also notes that there are few adoption resources available for older children or for children who are emotionally disturbed. In addition, there are very few support services in place for adoptive families.

Item 10. Permanency goal of other planned permanent living arrangement

Item 10 was assigned an overall rating of Area Needing Improvement. In 57 percent of the applicable cases, reviewers determined that the agency had made diligent efforts to assist children in attaining the goal of emancipation. However, in 43 percent of the applicable cases, reviewers determined that the agency had not made concerted efforts to support children in the goal of other planned permanent living arrangement leading to emancipation/independent living. Stakeholders commenting on this issue expressed the opinion that long-term foster care is too often established as a child's goal without fully exploring other permanency options. Stakeholders also noted that very few children who are in long-term foster care and who will eventually be emancipated are receiving sufficient service to prepare them for independent living.

Outcome P2: The continuity of family relationships and connections is preserved for children.

Status of Permanency Outcome 2 – Not in Substantial Conformity

Montana did not achieve substantial conformity with Permanency Outcome 2. This determination was based on the finding that the outcome was rated as substantially achieved in 75.9 percent of the 29 foster care cases, which is less than the 90 percent required for substantial conformity.

Although the State did not reach the 90 percent achievement required for substantial conformity, there were areas of strength with regard to this outcome. For example, almost all children in the foster care cases reviewed were placed with siblings when appropriate, and almost all children were placed in close proximity to their communities of origin when relevant. In addition, in the vast majority of cases, reviewers determined that CFSD had made diligent efforts to preserve children's connections to extended family and their heritage. However, reviewers also determined that CFSD was inconsistent in its efforts to search for relatives, particularly when initial relative placements disrupted. Reviewers also identified concerns regarding establishing regular ongoing patterns of visitation between parents and children and between siblings in foster care. In many cases, visitation seemed to be left up to foster parents or private providers to arrange, and CFSD workers only arranged visitation when the parent made a specific request. Reviewers also noted that when the siblings were separated, diligent efforts were not always made to ensure their ongoing contact and visitation.

Item 11. Proximity of foster care placement

Item 11 was assigned an overall rating of Strength because in 91 percent of applicable cases, reviewers determined that children were placed in close proximity to parents or relatives, or that the separation was necessary to meet the child's needs.

Item 12. Placement with siblings

Item 12 was assigned an overall rating of Strength based on the finding that in 87.5 percent of the cases, reviewers determined that siblings either were placed together or their separation was necessary to meet the needs of one or more of the siblings.

Item 13. Visiting with parents and siblings in foster care

Item 13 was assigned an overall rating of Area Needing Improvement. In 67 percent of the applicable cases, reviewers determined that CFSD had made concerted efforts to facilitate visitation. However, in 33 percent of the cases reviewers determined that CFSD had not made concerted efforts to facilitate visitation with parents and siblings. The primary concern identified was that visitation often is left up to foster parents or relative caregivers to arrange, and if they do not make the arrangements then no regular pattern is established.

Item 14. Preserving connections

Item 14 was assigned an overall rating of Strength because in 86 percent of the cases, reviewers determined that children's connections to family and their heritage had been in foster care. According to the Statewide Assessment, data indicate that CFSD has a high degree of compliance with ICWA placement requirements. Within the State, 20 percent of the licensed foster families are Native American and while it is acknowledged that more Native American foster families are needed, many Native American children are placed with Native American families. This was supported by case review findings that 8 of the 14 Native American children were placed with extended family or with Tribal families.

Item 15. Relative placement

Item 15 was assigned an overall rating of Area Needing Improvement. In 79 percent of applicable cases, reviewers determined that the agency had made diligent efforts to locate and assess relatives as potential placement resources. However, in 21 percent of the cases, reviewers determined that CFSD had not made diligent efforts to seek relatives as possible placement resources. The primary concern identified was that when a relative placement disrupts, the agency is not consistent in seeking other relatives as alternative placement options.

Item 16. Relationship of child in care with parents

Item 16 was assigned an overall rating of Area Needing Improvement. In 74 percent of applicable cases, reviewers determined that CFSD made efforts to support the parent-child relationship of children in foster care. However, concerns related to this issue were

identified in 26 percent of applicable cases. The primary concern identified was that the agency did not provide services to help strengthen the relationship between parents and children.

III. WELL-BEING

Outcome WB1: Families have enhanced capacity to provide for their children's needs.

Status of Well-Being Outcome 1 – Not in Substantial Conformity

Montana did not achieve substantial conformity with Well-Being Outcome 1. This determination was based on the finding that the outcome was rated as substantially achieved for 51 percent of the cases reviewed, which is less than the 90 percent required for a determination of substantial conformity.

A general finding of the CFSR was that CFSD was not consistent in its efforts to identify and address families' service needs, involve family members in case planning, and establish contact with children and parents with sufficient frequency. However, in most in-home services cases managed by contracted providers, concerted efforts were made to meet the family's service needs, involve the family in case planning, and establish frequent contact with children and parents. In fact, the majority of cases assigned a rating of Area Needing Improvement for visiting with children and parents and for involving family members in case planning were foster care cases. Both reviewers and stakeholders suggested that the use of Family Group Decision Making (FGDM) increases a family's involvement in the case planning process and enhances the assessment of a family's service needs.

Item 17. Needs and services of child, parents, foster parents

Item 17 was assigned an overall rating of Area Needing Improvement. In 55 percent of the cases, reviewers determined that the needs and services of children, parents, and/or foster parents had been, or were being, adequately addressed by CFSD. However, in 45 percent of the cases, reviewers determined that CFSD was not adequately addressing the needs and services of children and parents, although the agency was effective in meeting the needs of foster parents. A key finding was that in-home services cases that were managed by contracted providers tended to have more consistent assessment procedures and provided clearer documentation of the assessment process than other cases. Another key finding was that within CFSD, there was no uniform procedure for assessing a family's needs or documenting identified service needs.

Item 18. Child and family involvement in case planning

Item 18 was assigned an overall rating of Area Needing Improvement. In 60 percent of applicable cases, reviewers determined that CFSD appropriately involved parents or children in the case planning process. However, in 40 percent of the applicable cases, reviewers determined that parents and/or children had not been appropriately involved in the case planning process. Stakeholders

noted that when families participate in a FGDM meeting, all relevant family members tend to be involved in the case planning process. However, when a FGDM meeting is not held, the CFSD caseworker often does not have the time to support efforts to engage families in case planning because of workload demands.

Item 19. Worker visits with child

Item 19 was assigned an overall rating of Area Needing Improvement. In 76 percent of the cases, reviewers determined that the frequency of caseworker visits with children was sufficient to ensure adequate monitoring of children's safety or to otherwise meet their needs. However, in 24 percent of the cases, reviewers determined that the frequency and quality of caseworker visits with children was not sufficient to monitor children's safety or to promote attainment of case goals. Reviewers and stakeholders noted that the State policy governing the frequency of contacts with children in foster care requires a minimum of face-to-face contact once every three months, which may not be sufficient to monitor children's safety and ensure their well being.

Item 20. Worker visits with parents

This item was assigned an overall rating of Area Needing Improvement. In 81 percent of the cases, reviewers determined that visits with parents were sufficiently frequent or of adequate quality to promote the safety and well-being of the child and enhance attainment of case goals. However, in 19 percent of cases, reviewers determined that visits were not of sufficient frequency or adequate quality. The Statewide Assessment notes that there are no uniform policies governing the frequency of visits between caseworkers and parents. Instead, this is determined on a case-by-case basis and included in the case plan. According to the Statewide Assessment, many contacts are made by telephone, rather than face to face, due to social workers' workloads and to the rural nature of Montana.

Outcome WB2: Children receive appropriate services to meet their educational needs.

Status of Well-Being Outcome WB2 – Substantial Conformity

Montana achieved substantial conformity with Well-Being Outcome 2 based on the finding that 91.7 percent of the cases reviewed were found to have substantially achieved this outcome, which exceeds the 90 percent required for substantial conformity.

The CFSR case review finding was that CFSD was generally effective in meeting the educational needs of the majority of the children in the cases reviewed.

Item 21. Educational needs of the child.

Item 21 was assigned an overall rating of Strength because in 92 percent of the cases, reviewers determined that the educational needs of children were effectively and appropriately addressed. Stakeholders commenting on this issue expressed the opinion that CFSD workers and foster parents do a good job advocating for children's educational needs and that both attend Individual Educational Plan meetings.

Outcome WB3: Children receive adequate services to meet their physical and mental health needs.

Status of Well-Being Outcome 3 - Not in Substantial Conformity

Montana did not achieve substantial conformity with Well-Being Outcome 3. This determination was based on the finding that the outcome was rated as substantially achieved in 67.4 percent of the applicable cases, which is less than the 90 percent required for a determination of substantial conformity.

The CFSR found inconsistencies with regard to CFSD's efforts to meet the physical and mental health needs of children. Although in many cases, extensive efforts were made to meet children's physical and mental health needs, in other cases, there was a notable lack of effort, particularly with regard to mental health needs.

Item 22. Physical health of the child

Item 22 was assigned an overall rating of Area Needing Improvement. In 83 percent of the applicable cases, reviewers determined that CFSD was adequately addressing the health needs of children in foster care and in-home services cases. However, in 17 percent of applicable cases, reviewers determined that CFSD did not adequately address children's physical health needs.

Item 23. Mental health of the child

Item 23 was assigned an overall rating of Area Needing Improvement. In 68 percent of the applicable cases, reviewers determined that CFSD adequately addressed children's mental health needs. However, in 32 percent of the applicable cases, reviewers determined that mental health needs were not being addressed. Reviewers noted inconsistent practice, with some children getting thorough mental health assessments and some not receiving any mental health assessment. According to the Statewide Assessment, the adequacy of services that the child receives is dependent on the strength of the mental health system in that community. The challenge for social workers is to locate therapists in the proximity of the child's placement who accept Montana Medicaid and can provide the services required to meet the child's needs.

KEY FINDINGS RELATING TO SYSTEMIC FACTORS

IV. STATEWIDE INFORMATION SYSTEM

Status of Statewide Information System – Substantial Conformity

Montana is in substantial conformity with this factor.

Item 24. The State is operating a Statewide information system that, at a minimum, can readily identify the status, demographic characteristics, location, and goals for the placement of every child who is (or within the immediately preceding 12 months, has been) in foster care.

Item 24 was rated as a Strength because the State has the automated capacity to track the required information on children in foster care, such as their status, demographic characteristics, location, and goals.

V. CASE REVIEW SYSTEM

Status of Case Review System – Not in Substantial Conformity

Montana is not in substantial conformity with the systemic factor of Case Review System.

Item 25. Provides a process that ensures that each child has a written case plan to be developed jointly with the child's parent(s) that includes the required provisions.

Item 25 was rated as an Area Needing Improvement because stakeholder comments regarding inconsistencies with respect to family involvement in case planning are supported by the case review findings. Of the 27 foster care cases applicable for an assessment of family involvement in case planning, 13 cases were rated as a Strength and 14 were rated as an Area Needing Improvement.

Item 26. Provides a process for the periodic review of the status of each child, no less frequently than once every 6 months, either by a court or by administrative review.

Item 26 was rated as an Area Needing Improvement because the findings of the review indicate that at times periodic reviews are perfunctory in nature and are not consistently occurring for all youth in long-term foster care.

Item 27. Provides a process that ensures that each child in foster care under the supervision of the State has a permanency hearing in a qualified court or administrative body no later than 12 months from the date the child entered foster care and no less frequently than every 12 months thereafter.

Item 27 was rated as an Area Needing Improvement because stakeholders indicated that court adherence to timely permanency hearings is inconsistent throughout the State.

Item 28. Provides a process for termination of parental rights proceedings in accordance with the provisions of the Adoption and Safe Families Act.

Item 28 was rated as a Strength because the State has a process for termination of parental rights proceedings that is in accordance with the provisions of ASFA.

Item 29. Provides a process for foster parents, pre-adoptive parents, and relative caregivers of children in foster care to be notified of, and have an opportunity to be heard in, any review or hearing held with respect to the child.

Item 29 is rated as a Strength because the State has a requirement in statute and a process in place to ensure that foster parents, pre-adoptive parents, and relative caregivers of children in foster care are notified of and have an opportunity to be heard in any review or hearing held with respect to the child.

VI. QUALITY ASSURANCE SYSTEM

Status of Quality Assurance System-Not in Substantial Conformity

Montana is not in substantial conformity with the factor of Quality Assurance System. Findings relevant to the specific items assessed for this factor are presented below.

Item 30. The State has developed and implemented standards to ensure that children in foster care are provided quality services that protect the safety and health of the children.

Item 30 was rated as an Area Needing Improvement because while CFSD has standards for providing services to children in foster care in State statute and in division policy, stakeholders commenting on this issue identified a concern that the requirement regarding workers making face-to-face contact with children in foster care only once a quarter poses a safety issue for children. Another concern identified involves the practice of children being placed in foster homes beyond their licensing capacity in some parts of the state due to lack of foster homes.

Item 31. The State is operating an identifiable quality assurance system that is in place in the jurisdictions where the services included in the CFSP are provided, evaluates the quality of services, identifies strengths and needs of the service delivery system, provides relevant reports, and evaluates program improvement measures implemented.

Item 31 was assigned a rating of Area Needing Improvement because both the Statewide Assessment and stakeholders noted that a comprehensive, statewide quality assurance system is lacking. As noted in the Statewide Assessment, CFSD acknowledges the need for a formal quality assurance program.

VII. TRAINING

Status of Training-Substantial Conformity

Montana is in substantial conformity with the systemic factor of Training. Findings relevant to the specific items assessed for this factor are presented below.

Item 32. The State is operating a staff development and training program that supports the goals and objectives in the CFSP, addresses services provided under titles IV-B and IV-E, and provides initial training for all staff who deliver these services.

Item 32 was rated as a Strength because the State provides a comprehensive initial training program for all staff. Training includes a New Worker Orientation Packet that is provided to all child protection social worker supervisors, Montana Child Abuse and Neglect (MCAN) training for all CFSD staff who work with children and families, Child Adult Protection System (CAPS) training that is required for all Division employees, and Policy Training that is required for all CPS-related staff in CFSD. Stakeholders commenting on this issue were in general agreement that the initial training offered to caseworkers and supervisors was adequate and prepared them for their jobs.

Item 33. The State provides for ongoing training for staff that addresses the skills and knowledge base needed to carry out their duties with regard to the services included in the CFSP.

Item 33 was rated as a Strength because a variety of ongoing training opportunities are made available to staff. According to the Statewide Assessment, there are several ongoing training opportunities and venues, although CFSD does not mandate participation in ongoing training.

Item 34. The State provides training for current or prospective foster parents, adoptive parents, and staff of State licensed or approved facilities that care for children receiving foster care or adoption assistance under title IV-E that addresses the skills and knowledge base needed to carry out their duties with regard to foster and adopted children.

Item 34 is rated as a Strength because the State provides training for current and prospective foster parents, adoptive parents, and staff of State licensed or approved facilities that care for children receiving foster care or adoption assistance under title IV-E. The training addresses the skills and the knowledge base needed to carry out their duties with regard to foster and adopted children. A new curriculum, “Keeping Children Safe,” was developed and has been used since August 2000. All foster and adoptive parents now participate in this training prior to licensure or approval.

VIII. SERVICE ARRAY

Status of Service Array-Substantial Conformity

Montana is in substantial conformity with the systemic factor of service array. Findings relevant to the specific items assessed for this factor are presented below.

Item 35. The State has in place an array of services that assess the strengths and needs of children and families and determine other service needs, address the needs of families in addition to individual children in order to create a safe home environment, enable children to remain safely with their parents when reasonable, and help children in foster and adoptive placements achieve permanency.

Item 35 is rated as a Strength because there is a broad array of services available to families and children in the State in order to create a safe home environment, enable children to remain safely with their parents when reasonable, and help children in foster and adoptive placements achieve permanency. Stakeholders commenting on this issue were in general agreement that there is a broad array of services available to the families in all three of the counties included in the on-site review and throughout most areas of the State. However, the Statewide Assessment and stakeholders identified a number of significant service gaps, including dental services (dental providers who will accept Medicaid), mental health services (including treatment for sexual offenders, seriously emotionally disturbed children, and dually diagnosed children), and appropriate out-of-home placements.

Item 36. The services in item 35 are accessible to families and children in all political jurisdictions covered in the State's CFSP.

Item 36 is rated as an Area Needing Improvement because barriers to service delivery remain despite State efforts to address them, particularly with regard to therapeutic foster care.

Item 37. The services in item 35 can be individualized to meet the unique needs of children and families served by the agency.

Item 37 was assigned a rating of Strength because stakeholders noted that providers can offer flexible and individualized services. Stakeholders commenting on this issue noted that both Family Support Network and Mountain Peaks provide extremely flexible, individualized services, and tailor programs to meet individual needs. The key concerns identified were (1) services provided by multiple providers often are not effectively coordinated, and (2) Medicaid limitations on the duration of some services impacts the ability to individualize services to meet family needs.

IX. AGENCY RESPONSIVENESS TO THE COMMUNITY

Status of Agency Responsiveness To The Community- Substantial Conformity

Montana is in substantial conformity with the systemic factor of Agency Responsiveness to the Community. Findings relevant to the specific items assessed for this outcome are presented below.

Item 38. In implementing the provisions of the CFSP, the State engages in ongoing consultation with tribal representatives, consumers, service providers, foster care providers, the juvenile court, and other public and private child- and family-serving agencies and includes the major concerns of these representatives in the goals and objectives of the CFSP.

Item 38 was assigned a rating of Strength because the agency engages in consultation with the State Advisory Council, Local Service Advisory Councils, the Juvenile Justice Council, the Native American Advisory Council, other stakeholders, and internal staff in Division planning efforts. Stakeholders at local levels commenting on this issue noted that there are concerted efforts on the part of local agencies to reach out and engage the community, and that collaboration between the child welfare agency and local service providers is excellent.

Item 39. The agency develops, in consultation with these representatives, annual reports of progress and services delivered.

Item 39 is rated as a Strength because the State utilizes external input in the development of reports pursuant to the CFSP.

Item 40. The State's services under the CFSP are coordinated with services or benefits of other Federal or federally assisted programs serving the same population.

Item 40 is rated as a Strength because CFSD coordinates with other federally-assisted agencies and organizations. According to the Statewide Assessment, CFSD currently coordinates services at the State level by working with other divisions within the Department and with other departments on an on-going basis. At the State level, CFSD staff members participate in provider meetings, serve on advisory councils, and meet with other providers of children's services regularly. Most of the coordination of services for children occurs at the local level. At the local level, the social workers meet regularly with child protection teams, which include representatives from schools, courts, public health, mental health and/or juvenile probation, as is appropriate for the specific case.

X. FOSTER AND ADOPTIVE PARENT LICENSING, RECRUITMENT, AND RETENTION

Status of Foster and Adoptive Parent Licensing, Recruitment, and Retention- Substantial Conformity

Montana is in substantial conformity with the systemic factor of Foster and Adoptive Parent Licensing, Recruitment, and Retention. Findings relevant to the specific items assessed for this outcome are presented below.

Item 41. The State has implemented standards for foster family homes and childcare institutions, which are reasonably in accord with recommended national standards.

Item 41 was assigned a rating of Strength because CFSD has implemented the necessary standards for foster family homes and child care institutions. According to the Statewide Assessment, Montana has effectively established and maintained standards for foster homes, adoptive homes and child care institutions in State statute, (Montana Code Annotated), rules (Administrative Rules of Montana) and policy. Stakeholders commenting on this issue were in agreement that there are established standards for foster family homes and child care institutions that cover health, safety, sanitation, and other basic requirements.

Item 42. The standards are applied to all licensed or approved foster family homes or child care institutions receiving title IV-E or IV-B funds.

Item 42 was assigned a rating of Strength because statewide licensing or approval standards for foster and adoptive homes are found in statute, administrative rule, and policy and are applied to all licensed or approved foster family homes.

Item 43. The State complies with Federal requirements for criminal background clearances as related to licensing or approving foster care and adoptive placements and has in place a case planning process that includes provisions for addressing the safety of foster care and adoptive placements for children.

Item 43 was rated as a Strength because all licensed providers are subject to criminal background checks and child protective services (CPS) background checks. As of April 1, 2002, the criminal background check includes finger printing.

Item 44. The State has in place a process for ensuring the diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of children in the State for whom foster and adoptive homes are needed.

Item 44 was assigned a rating of Strength because the State makes efforts to recruit foster and adoptive homes reflecting the ethnic and racial diversity of the children in the State. However, as noted in the Statewide Assessment, both external stakeholders and CFSD staff identify the need for more Native American adoptive homes, or at least for adoptive families to be trained in Native American culture. Some stakeholders commenting on this issue noted that insufficient numbers of homes that match the backgrounds of some children results in some foster homes having placements beyond their licensing capacity due to a lack of foster homes.

Item 45. The State has in place a process for the effective use of cross-jurisdictional resources to facilitate timely adoptive or permanent placements for waiting children.

Item 45 was assigned a rating of Strength because as noted in the Statewide Assessment, the State has in place a process for the effective use of cross-jurisdictional resources to facilitate timely adoptive or permanent placements for waiting children. Montana has used contracted services with both in-State and out-of-State private agencies and social workers as well as the cooperative interstate services of other States to expedite the finalization of adoptions.

Introduction

This document presents the findings of the Child and Family Services Review (CFSR) for the State of Montana. The on-site review was conducted during the week of August 19, 2002. The findings were derived from the following documents and data collection procedures:

- The Statewide Assessment prepared by the State child welfare agency – the Child and Family Services Division (CFSD) of the Montana Department of Public Health and Human Services System;
- The State Data Profile, prepared by the Children’s Bureau of the U.S. Department of Health and Human Services providing State data for the year 2000;
- Reviews of 49 case records at three sites throughout the State; and
- Interviews or focus groups (conducted at all three sites) with State and local stakeholders including children, parents, foster parents, all levels of child welfare agency personnel, collaborating agency personnel, school personnel, service providers, court personnel, legislators, and attorneys.

The key characteristics of the 49 cases reviewed are the following:

- 24 cases were reviewed in Yellowstone County (Billings), 13 in Cascade County, and 12 in Lewis and Clark County.
- All 49 cases had been open cases at some time during the period under review.
- 29 cases were “foster care cases” (cases in which children were in the care and custody of the State child welfare agency and in an out-of-home placement at some time during the period under review), and 20 were “in-home services cases” (cases in which families received services from the child welfare agency while children remained in their homes).
- Of the 49 cases reviewed, the **primary** reasons for opening the child welfare agency cases were the following:
 - Neglect (not including medical neglect) - 20 cases (41%)
 - Substance abuse by parent - 8 cases (16%)
 - Sexual abuse - 4 cases (8%)
 - Medical neglect - 3 cases (6%)
 - Child's behavior - 3 cases (6%)
 - Physical abuse - 2 cases (4%)
 - Emotional maltreatment - 1 case (2%)
 - Domestic violence in child's home - 1 case (2%)
 - Mental/physical health of parent - 1 case (2%)
 - Other - 6 cases (12%)

- Among **all** reasons identified for children coming to the attention of the child welfare agency, neglect (not including medical neglect) was cited in 27 cases, substance abuse by parents was cited in 18 cases, physical abuse was cited in 9 cases, child's behavior was cited in 8 cases, and domestic violence in the home was cited in 8 cases.
- For 20 of the 29 foster care cases, the children entered foster care prior to the period under review and remained in foster care during the entire period under review. For 8 of the 20 in-home services cases, the case had been opened prior to the period under review.

The first section of the report presents the CFSR findings relevant to the State's performance in achieving specific outcomes for children in the areas of safety, permanency, and well-being. For each outcome, there is a table presenting key findings, a discussion of the State's status with regard to the outcome, and a presentation and discussion of each item (indicator) assessed. The second section of the report provides an assessment and discussion of the systemic factors relevant to the child welfare agency's ability to achieve positive outcomes for children.